

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAKYM DURHAM,

Plaintiff,

v.

OFFICER MIKAL CARR, et al.,

Defendants

:
:
: **CIVIL ACTION**
: **No. 20-3944**
:
:
:
:
:
:
:
:

ORDER

AND NOW, this _____ day of _____, 2021, upon consideration of the Defendants' Motion to Depose an Incarcerated Individual, it is **HEREBY ORDERED** that the Motion is **GRANTED** and it is further **ORDERED** and **DECREED** that Counsel for Defendant shall be permitted to depose Plaintiff Rakym Durham, an incarcerated person, including by means of video conference, at a time, date and manner convenient to the parties and the administration of the correctional facility currently housing Plaintiff—Curran-Fromhold Correctional Facility—or any other correctional facility housing Plaintiff at the date and time of the noticed deposition.

BY THE COURT:

KEARNEY, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAKYM DURHAM,

Plaintiff,

v.

OFFICER MIKAL CARR, et al.,

Defendants

:
:
: **CIVIL ACTION**
: **No. 20-3944**
:
:
:
:
:
:
:
:

DEFENDANTS' MOTION TO DEPOSE AN INCARCERATED INDIVIDUAL

Defendants Mikal Carr and Bruce Clift hereby file this Motion to Depose an Incarcerated Individual pursuant to Federal Rule of Civil Procedure 30(a)(2). In support of this Motion, Defendants represents that:

1. Plaintiff Rakym Durham filed this civil action against Defendants alleging violation of his federal civil rights.
2. Plaintiff is currently incarcerated at Curran-Fromhold Correctional Facility ("CFCF") located in Philadelphia, Pennsylvania.
3. On May 17, 2021, Plaintiff is expected to plead guilty to charges pending against him in Philadelphia County.
4. Plaintiff also currently has criminal charges pending against him in Delaware County, Pennsylvania where, according to Plaintiff's criminal defense counsel there, a motion to set Plaintiff's bail remains pending.
5. Because Delaware County has a detainer lodged against Plaintiff (as Plaintiff's Delaware County counsel reported to undersigned counsel), Plaintiff may remain in custody at CFCF after his anticipated plea in the Philadelphia Case on May 17, 2021;

- or, he may be transferred to another facility in Delaware County, Pennsylvania pending resolution of the motion to set bail and/or his criminal charges pending there.
6. Federal Rule of Civil Procedure 30(a)(2) requires an Order to depose an incarcerated individual.
 7. Defendants respectfully request that this Honorable Court issue the proposed order allowing the deposition of Plaintiff, including by means of videoconference, at either Curran-Fromhold Correctional Facility or wherever else Plaintiff may be housed as an inmate in Delaware County, Pennsylvania at the time of deposition.

WHEREFORE, Defendants asks that the Court enter an Order in the form proposed.

Date: May 5, 2021

Respectfully submitted,

/s/ Meghan Byrnes
Meghan Byrnes
Deputy City Solicitor
Pa. Attorney ID No. 321316
City of Philadelphia Law Department
1515 Arch Street, 17th Floor
Philadelphia, PA 19102
215-683-5011 (phone)
meghan.byrnes@phila.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAKYM DURHAM,

Plaintiff,

v.

OFFICER MIKAL CARR, et al.,

Defendants

:
:
: **CIVIL ACTION**
: **No. 20-3944**
:
:
:
:
:
:
:
:

CERTIFICATE OF SERVICE

I hereby certify that on the date below the Defendants' Motion to Depose an Incarcerated Individual was filed via the Court's electronic filing system and is available for downloading.

Date: May 5, 2021

Respectfully submitted,

/s/ Meghan Byrnes
Meghan Byrnes
Deputy City Solicitor
Pa. Attorney ID No. 321316
City of Philadelphia Law Department
1515 Arch Street, 17th Floor
Philadelphia, PA 19102
215-683-5011
meghan.byrnes@phila.gov